

IN THE SUPREME COURT OF FLORIDA

INQUIRY CONCERNING A) Supreme Court
JUDGE, NO. 02-487) Case No. SC03-1171
_____)

RESPONSE TO RULE 12(B) DISCOVERY REQUEST

The Florida Judicial Qualifications Commission, by and through its undersigned counsel, responds to the respondent's discovery request made pursuant to Rule 12(b) of the Rules of the Judicial Qualifications Commission as follows:

1. The names and addresses of all witnesses whose testimony the Special Counsel anticipates to offer at the hearing are:

a. Jeffrey J. Del Fuoco, Assistant United States Attorney, 400 N. Tampa Street, Suite 3200, Tampa, Florida 33602;

b. Colonel E. David Hoard, Assistant Deputy General Counsel for Installations and Environment, Office of General Counsel to Secretary of the Air Force;

c. Lieutenant Colonel Charles A. Howard, Chief of Operations and Training, Air War College, Maxwell Air Force Base, Alabama;

d. Lieutenant Colonel William O. Howe, Jr., Defense Threat Reduction Agency, Fort Belvoir, Virginia;

e. David M. Leta, 75 Spring Street, Suite 600, Atlanta, Georgia 30303;

f. Lorraine Nasco, c/o Douglas J. Titus, Jr., 100 S. Ashley Street, Suite 1290, Post Office Box 3240, Tampa, Florida 33601.

2. With respect to the request for copies of all statements and transcripts of testimony of such witnesses, including interviews, affidavits, declarations and recordings, which are relevant to the Formal Charges in this proceeding, Special Counsel hereby responds as follows:

a. Special Counsel objects to the request to the extent that it requests "interviews" as being ambiguous and on the ground that interview notes memorialized by memoranda prepared by Special Counsel which are not verbatim statements of the witness are not "written

statements [or] transcripts of testimony" as provided in Rule 12(b) and are protected by the attorney work product privilege.

b. Special Counsel will produce affidavits and transcripts of testimony in his possession of the following witnesses: Jeffrey J. Del Fuoco, Colonel E. David Hoard, Lieutenant Colonel Charles A. Howard, Lieutenant Colonel William O. Howe, Jr., and Lorraine Nasco.

INVESTIGATIVE PANEL OF THE FLORIDA
JUDICIAL QUALIFICATIONS COMMISSION

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- and -

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Special Counsel to the Florida
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Certificate of Service

I DO HEREBY CERTIFY that a copy of the foregoing Response to Rule 12(b) Discovery Request has been furnished to each of the following by Facsimile and United States Mail this _____ day of August, 2003.

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